

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
GARY KILCUP,
Defendant

Case No. CR08-82-RSL

ORDER DENYING MOTION
FOR EARLY
TERMINATION OF
SUPERVISED RELEASE

This matter comes before the Court on defendant's "Motion for Early Termination of Supervised Release" (Dkt. # 940).

On September 2, 2008, defendant pleaded guilty to conspiracy to distribute cocaine, in violation of 21 U.S.C. §§ 841(a), 841(b)(1)(a), and 846. Dkt. # 315. On November 21, 2008, the Court sentenced defendant to 180 months of imprisonment and five years of supervised release. Dkt. # 390. Defendant's term of supervised release commenced on February 18, 2020, and is set to expire on February 17, 2025.

The Court may “after considering the factors set forth in [18 U.S.C. § 3553(a)] . . . terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.” 18 U.S.C. § 3583(e). The Court enjoys “discretion to consider a wide range of circumstances when determining whether to grant early termination.” United States v. Emmett, 749 F.3d 817, 819 (9th Cir. 2014) (citing United States v. Pregent, 190 F.3d 279, 283 (4th Cir. 1999)).

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The Court is pleased to learn of defendant's positive performance on supervised release, including his professional success and commitment to remaining sober and free of new criminal conduct. However, the Court finds that defendant's request to terminate supervised release is premature. See 18 U.S.C. §§ 3583(e)(1), 3553(a). Accordingly, defendant's request for early termination of supervised release (Dkt. # 940) is DENIED. Nonetheless, if defendant remains free of any supervised release violations in the coming months, the Court will entertain a renewed motion for early termination of supervised release noted for March 17, 2023.

IT IS SO ORDERED.

DATED this 13th day of September, 2022.

Robert S. Lasnik
Robert S. Lasnik
United States District Judge